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EXAMINER	
LEE, PHILIP C	
ART UNIT	PAPER NUMBER
2452	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/091,067	VINBERG, ANDERS	
	Examiner	Art Unit	
	PHILIP C. LEE	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-11,13,15 and 17-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-11,13,15 and 17-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/26/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on September 25, 2008.

2. Claims 1, 3-11, 13, 15 and 17-24 are presented for examination, and claims 2, 12, 14 and 16 are canceled.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim language in the following claims is not clearly understood:

i. As per claim 3, lines 2-3, the scope and metes and bounds are indefinite. Since the phrases "that is likely to be difficult for a user to understand" and "more easily understood" are editorial, it is unclear what is considered as likely to be difficult or more easily understood.

Claim Rejections - 35 USC 103

6. Claims 1, 4, 13, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al, U.S. Patent 5,367,670 (hereinafter Ward) and Lewis et al, U.S. Patent 6,603,396 (hereinafter Lewis) in view of Lohmann II et al, U.S. Patent 5,745,692 (hereinafter Lohmann).

7. Ward, Lewis and Lohmann were cited in the previous office action.

8. As per claims 1, 13 and 15, Ward teaches the invention substantially as claimed comprising:

detecting an alert condition identifying a problem with a system component (col. 5, lines 15-20), the alert condition being detected in response to an event notification (col. 12, lines 24-26, 34-37) associated with at least one of a plurality of heterogeneous application subsystems (col. 5, lines 13-20; col. 7, lines 1-8) each application subsystem in the plurality of heterogeneous application subsystems performing an associated one or more information technology management operations that are distinct from the one or more information technology management operations performed by other application subsystems in the plurality of heterogeneous application subsystems(col. 5,lines 51-65) (e.g., asynchronous serial port, computer system bus 13 reports signal utilized for object management to indicate alert, intelligent disk array controller reports read errors (col. 7, lines 1-8), and server subsystems);

determining a notification path associated with the alert condition, the notification path being determined based at least on a property of an object associated with the alert condition

(col. 5, lines 21-27), the object being stored in an object repository (col. 4, lines 8-13; col. 12, lines 12-20);

constructing an audio notification message based on at least one parameter associated with the alert condition (col. 5, lines 21-32; col. 7, lines 56-57; col. 9, lines 11-14; col. 12, lines 34-64); and

outputting the audio notification message via the notification path (col. 7, lines 25-57; col. 12, lines 62-64).

9. Ward does not teach filtering alert condition. Lewis teaches filtering alert condition to determine a notification path associated with the alert condition (col. 6, lines 40-49; col. 6, line 63-col. 7, line 34).

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward and Lewis because Lewis's teaching would allow Ward's system to filter irrelevant alarms in order to maximize performance and reliability of the system (col. 7, lines 59-65).

11. Ward and Lewis do not teach an audio command. Lohmann teaches a similar invention comprising: receiving an audio command (col. 2, lines 7-8; col. 5, lines 44-46; col. 6, lines 4-9); processing the audio command to derive command data (col. 2, lines 8-9; col. 6, lines 4-12); constructing a command based on the command data (col. 2, lines 8-9; col. 9, lines 40-42); and

storing the command in the object repository (col. 2, lines 6-12; col. 9, lines 17-27, 43-45) (stores and processes the command).

12. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, and Lohmann because Lohmann's teaching of audio command would increase the capability of Ward's and Lewis's system by allowing a system administrator respond to the alert message via voice commands (col. 1, lines 22-26; col. 4, lines 58-61).

13. As per claim 4, Ward, Lewis and Lohmann teach the invention substantially as claimed in claim 1 above. Ward further teach wherein detecting an alert condition includes detecting an alert condition within a plurality of subsystems of a network management application (col. 7, lines 19-24).

14. As per claim 20, Ward, Lewis and Lohmann teach the invention substantially as claimed in claim 1 above. Lohmann further teach constructing an additional audio notification message if the audio notification message is not responded to within a designated time limit (abstract; col. 1, lines 52-61).

15. Claims 9, 17, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis and Lohmann in view of Cote et al, U.S. Patent 6,021,262 (hereinafter Cote).

16. Cote was cited in the previous office action.

17. As per claim 9, Ward, Lewis and Lohmann teach the invention substantially as claimed in claim 1 above. Although Ward teaches wherein the determining the notification path includes analyzing a parameter associated with the alert condition and selecting the notification path based on the parameter (col. 5, lines 33-45; col. 7, lines 19-27); and the audio notification message is output via the notification path (col. 7, lines 25-57), however, Ward, Lewis and Lohmann do not teach a multi-tiered notification path. Cote teaches a similar invention comprising: a multi-tiered notification path, each tier of the notification path identifying one or more users assigned a level of responsibility with respect to the alert condition (col. 7, lines 19-28).

18. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Cote because Cote's teaching of multi-tiered notification path would increase the user's flexibility of Ward's, Lewis's and Lohmann's systems by allowing the user to control how and when others are to be so notified (col. 2, lines 25-36).

19. As per claim 17, Ward, Lewis and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis and Lohmann do not teach a multi-tiered notification path. Cote teaches comprising a multi-tiered notification path, each tier of the notification path identifying one or more users assigned a level of responsibility with respect to the alert condition (col. 7,

lines 19-28); and identifying the occurrence of a prior alert condition that was not responded to, the multi-tier notification path being determined based at least in part on the occurrence of the prior alert condition (col. 7, lines 19-27).

20. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Cote because Cote's teaching of multi-tiered notification path would increase the user's flexibility of Ward's, Lewis's and Lohmann's systems by allowing the user to control how and when others are to be so notified (col. 2, lines 25-36).

21. As per claim 21, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Lohmann do not teach constructing an additional audio notification if the alert condition is not addressed within a time limit. Cote teaches comprising constructing an additional audio notification message if the alert condition is not addressed within a designated time limit (col. 7, lines 17-27).

22. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Cote because Cote's teaching of multi-tiered notification path would increase the user's flexibility of Ward's, Lewis's and Lohmann's systems by allowing the user to control how and when others are to be so notified (col. 2, lines 25-36).

23. As per claim 22, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Although Ward teaches the audio notification is output via the notification path (col. 7, lines 25-57), however Ward, Lewis, and Lohmann do not teach multi-tiered notification path. Cote teaches a similar invention comprising: a multi-tiered notification path, each tier of the notification path identifying one or more users assigned a level of responsibility with respect to the alert condition (col. 7, lines 19-28); and filtering the notification message such that at least one user on the multi-tiered notification path does not receive the notification message (col. 7, lines 19-27) (i.e. the manager (notification path) does not receive the notification message).

24. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Cote because Cote's teaching of multi-tiered notification path would increase the user's flexibility of Ward's, Lewis's and Lohmann's systems by allowing the user to control how and when others are to be so notified (col. 2, lines 25-36).

25. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis and Lohmann in view of Fischer, U.S. Patent 4,881,197 (hereinafter Fischer).

26. Fischer was cited in the last office action.

27. As per claim 5, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis and Lohmann do not teach defining audio characteristics.

Fischer teaches defining audio characteristics associated with the audio notification message (col. 3, lines 38-42; col. 4, lines 3-21; col. 8, lines 31-45).

28. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Fischer because Fischer's teaching of defining audio characteristics would increase the user's flexibility of Ward's, Lewis's and Lohmann's systems by allowing a user with a flexible and efficient mechanism for simultaneously utilizing the highlighting features distinctive to each particular device on which the document or message is displayed or produced (col. 4, lines 3-7).

29. As per claim 6, Ward, Lewis, Lohmann and Fischer teach the invention substantially as claimed in claim 5 above. Fischer further teach wherein the audio characteristic is a volume (col. 3, lines 38-42; col. 4, lines 3-21; col. 8, lines 31-45).

30. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Fischer for the same reason set forth in claim 5 above.

31. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Lohmann in view of Sabourin et al, U.S. Patent 6,037,099 (hereinafter Sabourin).

32. Sabourin was cited in the last office action.

33. As per claim 3, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Lohmann do not teach identifying a portion of the message that is likely to be difficult to understand. Sabourin teaches wherein constructing an audio notification message includes identifying a portion of the message that is likely to be difficult for a user to understand and replacing the identified portion with a more easily understood synonym (col. 10, line 60-col. 11, lines 8).

34. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Sabourin because Sabourin's teaching of identifying a portion of the message that is likely to be difficult to understand would increase the alertness in Ward's, Lewis's and Lohmann's systems by allowing the system to find and replace words that tend to cause high confusability (col. 10, line 60-col. 11, line 8).

35. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis and Lohmann in view of Miller et al, U.S. Patent 6,421,707 (hereinafter Miller).

36. Miller was cited in the last office action.

37. As per claim 8, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Lohmann do not teach the audio message presented in

accordance with a filter. Miller teaches wherein the audio messages presented in accordance with a filter (col. 6, lines 30-40).

38. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Miller because Miller's teaching of audio messages presented in accordance with a filter would increase the user's flexibility in Ward's, Lewis's and Lohmann's systems by allowing a user to determine how individual or groups of messages are handled, depending upon characteristics of the messages themselves (col. 6, lines 31-33).

39. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Lohmann in view of Goldberg et al, U.S. Patent 6,161,082 (hereinafter Goldberg).

40. Goldberg was cited in the last office action.

41. As per claim 11, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Lohmann do not teach audio message based on language preference. Goldberg teaches wherein constructing the audio notification message includes:

determining a user associated with the audio notification message (col. 3, lines 34-56; col. 5, lines 22-24);

determining a language preference associated with the user (col. 3, lines 34-56; col. 5, lines 1-13, 25-34; col. 6, lines 27-28); and

constructing the audio message based on the language preference (col. 3, lines 34-56; col. 6, lines 34-38).

42. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Goldberg because Goldberg's teaching of audio message based on the language preference would increase the functionality of Ward's, Lewis's, and Lohmann's systems by providing supports to multiple user and to translate communication inputs that are received in any of a wide variety of languages into communication outputs that are transmitted in any of a wide variety of languages (col. 2, lines 45-50).

43. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, Lohmann and Fischer in view of "Official Notice".

44. As per claim 7, Ward, Lewis, Lohmann and Fischer teach the invention substantially as claimed in claim 5 above. Ward, Lewis, Lohmann and Fischer do not specifically detailing different audio characteristics. "Official Notice" is taken for the concept of a balance as an audio characteristic is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include balance as an audio characteristic because by doing so would increase the user's flexibility by allowing a user to include any type of audio characteristics as a design choice.

45. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Lohmann in view of Cote and further in view of Carleton, U.S. Patent Application Publication 2001/0044840 (hereinafter Carleton).

46. Carleton was cited in the last office action.

47. As per claim 10, Ward, Lewis, Lohmann and Cote teach the invention substantially as claimed in claim 9 above. Ward, Lewis, Lohmann and Cote do not teach an escalation list. Carleton teaches wherein determining the notification path includes analyzing an escalation list (page 1, paragraph 9; page 3, paragraph 53).

48. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann, Cote and Carleton because Carleton's teaching of escalation list would increase the alertness of their systems by providing a mechanism by which a problem can receive increasing levels of attention to expedite and assure proper remediation (page 1, paragraph 9).

49. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Lohmann in view of Cote, and further in view of Jones et al, U. S. Patent Application Publication 2004/0210469 (hereinafter Jones).

50. Jones was cited in the last office action.

51. As per claims 18 and 19, Ward, Lewis, and Lohmann teach the invention substantially as claimed in claim 1 above. Ward, Lewis and Lohmann do not teach a multi-tiered notification path. Cote teaches a similar invention comprising: a multi-tiered notification path, each tier of the notification path identifying one or more users assigned a level of responsibility with respect to the alert condition (col. 7, lines 19-28).

52. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann and Cote because Cote's teaching of multi-tiered notification path would increase the user's flexibility of Ward's, Lewis's and Lohmann's systems by allowing the user to control how and when others are to be so notified (col. 2, lines 25-36).

53. Ward, Lewis, Lohmann, and Cote do not teach assigning the level of responsibility based upon the severity of the alert. Jones teaches assigning the level of responsibility to each of the one or more user based upon the severity of the alert condition (severity of the work repair associated with a component) (page 2, paragraphs 29 and 33; page 9, paragraph 119).

54. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann, Cote and Jones because Jones's teaching of assigning the level of responsibility based upon the severity (severity of the work repair associated with a component) would increase the flexibility of their systems

by controlling which management level or personnel will receive the alerting message based on the escalation level (page 3, paragraph 45).

55. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, Lohmann, Cote and in view of Lawson et al, U. S. Patent 6,185,613 (hereinafter Lawson).

56. Lawson was cited in the last office action.

57. As per claim 23, Ward, Lewis, Lohmann and Cote teach the invention substantially as claimed in claim 22 above. Ward, Lewis, Lohmann and Cote do not teach filtering based on a property associated with an object associated with the alert condition. Lawson teaches comprising filtering the notification message based on a property associated with an object associated with the alert condition (col. 5, lines 35-53).

58. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Lohmann, Cote and Lawson because Lawson's teaching of filtering based on a property associated with an object associated with the alert condition would increase the efficiency of their system by allowing a event consumer to prevent notification of irrelevant event (col. 5, lines 35-37).

59. As per claim 24, Ward, Lewis, Lohmann, Cote and Lawson teach the invention substantially as claimed in claim 23 above. Although Lawson teaches wherein the property is

selected from the group consisting of a type of the object (col. 5, lines 35-53), a name of the object (col. 10, lines 33-37), a location of the object (col. 5, lines 35-53), the time of day (col. 16, lines 34-35), and any of the information available in the packet (col. 24, lines 36-41), however, Ward, Lewis, Lohmann, Cote and Lawson do not specifically teach the severity of the alert condition, a level of risk, and an importance assigned to the object. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different type of property such as severity, level of risk and importance of the object because by doing so it would increase the field of use in their system.

60. Applicant's arguments with respect to claims 1, 3-11, 13, 15 and 17-24, filed 9/25/08, have been fully considered but they are not persuasive.

61. In the remarks, applicant argued that:

(1) The rejections under 35 USC 112, first paragraph, should be withdrawn.

(2) The rejection under 35 USC 112, second paragraph, should be withdrawn.

(3) Ward-Lewis-Lohmann combination fails to teach filtering the alert condition to determine a notification path associated with the alert condition, the notification path being determined based at least on a property of an object associated with the alert condition, the object being stored in an object repository.

(4) Ward-Lewis-Lohmann combination fails to teach outputting the audio notification message via the notification path.

(5) The combination of Ward-Lewis-Lohmann fails to teach detecting an alert condition identifying a problem with a system component, the alert condition being detected in response to an event notification associated with at least one of a plurality of heterogeneous application subsystems, each application subsystem in the plurality of heterogeneous application subsystems performing an associated one or more information technology management operations that are distinct from the one or more information technology management operations performed by the other application subsystems in the plurality of heterogeneous application subsystems.

(6) examiner has not provided adequate reason, either in the cited references or in the knowledge general available to one of ordinary skill in the art at the time of Applicant's invention to modify or combine Ward, Lewis, and Lohmann.

(7) The combination of Ward-Lewis-Lohmann-Sabourin fails to teach wherein constructing an audio notification message includes identifying a portion of the message that is likely to be difficult for a user to understand and replacing the identified portion with a more easily understood synonym.

(8) Ward-Lewis-Lohmann-Cote-Jones combination fails to teach the

notification path comprises a multi-tiered notification path, each tier of the multi-tiered notification path identifying one or more users assigned a level of responsibility with respect to the alert condition; and the method further comprises assigning the level of responsibility to each of the one or more users based upon a type of object associated with the alert condition.

62. In response to point (1), the rejections under 35 USC 112, first paragraph presented in the previous office action, have been withdrawn solely based on page 9 of applicant's remark filed on 9/25/08.

63. In response to point (2), the rejections under 35 USC 112, second paragraph presented in the previous office action, have been withdrawn except the rejection regarding the phrases "that is likely to be difficult for a user to understand" and "more easily understood" recited in claim 3, lines 2-3. In page 11, lines 8-18 of the remarks, applicant states: "For example, Applicant respectfully directs the Examiner's attention to at least Page 10, line 20 through Page 11, line 9, which provide a description of example embodiments of certain features recited in Claim 3. Applicant submits that one of ordinary skill in the art would understand what is claimed when Claim 3 is read in light of the Specification." The cited portion of the specification merely discloses example of terms and names commonly used in an enterprise management system operator's lexicon that may be modified. In light of the examples of specification, the scope and metes and bounds of claim 3 are still indefinite. Although, the terms and names in the specification disclose examples of what is "likely to be difficult for a user to understand" and

"more easily understood", however, the phrases "that is likely to be difficult for a user to understand" and "more easily understood" are still editorial. Accordingly, the rejection is maintained.

64. In response to points (3) and (4), last paragraph of page 14 through paragraph 1 of page 15 of the remarks, applicant states: "The Examiner also for the first time referred to various portions in column 7 of *Ward*. (Final Office Action at 17-18). These cited portions simply disclose "in-band" and "out-of-band" alerts, ..." Applicant further states: "The Examiner apparently ignores or otherwise disregards Applicant's arguments presented in response to the Examiner's arguments from the Final Office Action (i.e., presented in the Response Pursuant to 1.116 mailed March 20, 2008, and again in by virtue of the RCE mailed April 21, 2008), simply stating that "applicant's argument has been considered and addressed in the final office action mailed on 12/20/07." (Office Action at 19). In fact, the arguments presented by Applicants, which included responses to newly-cited portions of the references and new arguments presented by the Examiner for the first time in the Final Office Action, have not been addressed. Indeed, since the arguments were presented by Applicant in response to new arguments made by the Examiner in the Final Office Action, it is impossible that Applicant's arguments were addressed in the Final Office Action." Examiner disagreed. The substance of applicant's arguments of "filtering the alert condition to determine a notification path associated with the alert condition, the notification path being determined based at least on a property of an object associated with the alert condition, the object being stored in an object repository" with respect to the cited portion of Ward's reference of "in-band" and "out-of-band" alerts have been already addressed.

As stated in the Final Office Action mailed on 12/20/07, Ward teaches comprising: determining a notification path associated with the alert condition, the notification path being determined based at least on a property of an object associated with the alert condition (col. 5, lines 21-27), the object being stored in an object repository (col. 4, lines 8-13; col. 12, lines 12-20); and outputting the audio notification message via the notification path (col. 7, lines 25-57; col. 12, lines 62-64). Specifically, Ward teaches the path (i.e., notification path) may be one of four paths shown in figure 2, depending on characteristic (property) of a system component (object) associated with an alert (col. 5, lines 9-27). Ward further teach the four path shown in figure 2 include an in-band alert directed to the local network manager console 36 (col. 7, lines 29-33), an out-of-band alert by sending a protocol message to the system manager facility 34, dialing a phone number associated with a pager 56 ,and by dialing a phone number to phone 58 associated with a person (col. 7, lines 50-57). Ward does not teach filtering alert condition. Lewis teaches filtering alert condition to determine a notification path associated with the alert condition (col. 6, lines 40-49; col. 6, line 63-col. 7, line 34). Therefore, the combination of Ward-Lewis-Lohmann teaches filtering the alert condition to determine a notification path associated with the alert condition, the notification path being determined based at least on a property of an object associated with the alert condition, the object being stored in an object repository; and outputting the audio notification message via the notification path.

65. In response to point (5), as stated in the previous office action, Ward teaches detecting an alert condition identifying a problem with a system component (col. 5, lines 15-20). Specifically, Ward teaches as events are detected, the EISA monitor 110 provides information

relating to the object manager for updating the innate objects corresponding to the event (col. 12, lines 24-26). For each update, increment or decrement, the object manager 106 will, in the event that a boundary or threshold has been exceeded, determine that an alert needs to be issued (col. 12, lines 34-37). Ward teaches monitoring various system components (col. 5, lines 13-20) such as server subsystems, asynchronous serial port, the computer system bus 13, and the intelligent disk array controller device 26 (col. 5, lines 51-65; col. 7, lines 1-8). This means the alert condition (alert needs to be issued) being detected in response to an event notification (detected event that provides information to the object manager for update) associated with at least one of a plurality of heterogeneous application subsystems (monitoring associated with various system components such as server subsystems, asynchronous serial port, the computer system bus 13, and the intelligent disk array controller device 26). Ward further teach the computer system bus 13 reports signal utilized for object management to indicate alert (col. 5, lines 51-65) (i.e., information technology management operation), and the intelligent disk array controller device 26 reports the number of read errors that have occurred (col. 7, lines 1-8) (i.e., information technology management operation performed by the intelligent disk array controller device 26 is distinct from the information technology management operation performed by the computer system bus 13). This means the server subsystems, intelligent disk array controller device, etc. are the "heterogeneous application subsystems" as claimed, wherein the intelligent disk array controller device performs IT management operation such as reports the number of read error that have occurred (i.e., performance or application monitoring).

66. In response to point (6), as stated in the Final Office Action mailed on 12/20/07, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward and Lewis because Lewis's teaching would allow Ward's system to filter irrelevant alarms in order to maximize performance and reliability of the system (col. 7, lines 59- 65). Specifically, Lewis teaching of filtering out and discarding irrelevant alarms would the performance and reliability of only relevant alarm being passed. Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Using the teaching of Lewis, one of ordinary skill in the art can modify Ward's system by programming Ward's system to filter irrelevant alerts, hence the performance of reporting failure and the reliability of indicating a potential failure would improve in Ward's system. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Similarly, as stated above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, and Lohmann because Lohmann's teaching of

audio command would increase the capability of Ward's and Lewis's system by allowing a system administrator respond to the alert message via voice commands (col. 1, lines 22-26; col. 4, lines 58-61). Using Lohmann's teaching of audio command, a user such as an administrator in Ward's and Lewis's systems would be capable of giving voice instruction in response to potential failure. Furthermore, one of ordinary skill in the art can modify the systems of Ward and Lewis by incorporating the software (programming) or hardware to implement the features of audio command. Furthermore, because Ward, Lewis, and Lohmann teach similar method of notification of system alerts, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use known technique of filtering alert condition to determine a notification path associated with the alert condition in Lewis's system to improve similar method of notification of system alerts in Ward's and Lohmann's systems the same way. By using the known technique of filtering alert condition to determine a notification path associated with the alert condition, it would allow filtering of irrelevant alerts and processing of relevant alerts to determine notification path, hence maximizing the performance of reporting failure and the reliability of indicating a potential failure in Ward's and Lohmann's systems. The rationales for the combination of Ward-Lewis-Lohmann as explained above are in accordance with the *KSR International Co. v. Teleflex Inc.* decision.

67. In response to point (7), as stated in the previous office action mailed on 6/25/08, the combination of Ward and Sabourin that teaches "constructing an audio notification message includes identifying a portion of the message that is likely to be difficult for a user to understand and replacing the identified portion with a more easily understood synonym." Specifically,

Ward teaches constructing an audio notification message (col. 7, lines 50-57; col. 12, lines 52-64) (generating a voice message comprising the alert). Ward does not teach identifying a portion of the message that is likely to be difficult for a user to understand and replacing the identified portion with a more easily understood synonym. Sabourin teaches automatically find word pairs (identifying a portion of he message) that is likely to be difficult for a user to understand (tend to cause high confusability) and replacing the identified portion with a more easily understood synonym (replacing confusable words with non-confusable synonyms) (col. 10, line 64-col. 11, line 3). This means Sabourin is merely relied upon for the teaching of "identifying a portion of the message that is likely to be difficult for a user to understand and replacing the identified portion with a more easily understood synonym." Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

68. In response to point (8), as stated in the previous office action mailed on 6/25/08, Ward, Lewis and Lohmann do not teach a multi-tiered notification path. Cote teaches a similar invention comprising: a multi-tiered notification path, each tier of the notification path identifying one or more users assigned a level of responsibility with respect to the alert condition (col. 7, lines 19-28). Ward, Lewis, Lohmann, and Cote do not teach assigning the level of responsibility based upon the severity of the alert. Jones teaches assigning the level of responsibility to each of the one or more user based upon the severity of the work repair (work repair associated with a component such as private line [0047], i.e., type of object associated

with the alert condition) (page 2, paragraphs 29 and 33; page 9, paragraph 119). This means Jones teaches assigning the level of responsibility to each of the one or more user based upon a type of object associated with the alert condition (work repair associated with a component (e.g., private line) associated with the alert condition). It is noted that the scope and metes and bounds of the phrase "a type of object" covers objects such as "severity of the work repair associated with a component" or any type of objects. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Jones (i.e., object such as severity of the work repair associated with a component such as a private line) with Ward (i.e., object as such system component) for the reason as stated in claims 19 above. Furthermore, on page 23, lines 5-9 of the remarks, applicant states: " As purportedly disclosing the "object" recited in Applicant's claims, the Examiner relies on the objects disclosed in Ward, which appear to represent system components. (See, e.g., rejection of Claim 1, Office Action at 5). Now, in rejecting Claim 19, the Examiner improperly modifies what is being mapped to the claimed "object" to be the "severity of the work repair associated with a component," as purportedly disclosed in Jones. Applicant respectfully submits that this alteration is improper." Examiner disagreed. As explained above, the claimed "object" is mapped to a component in both Ward's and Jones's references, while the severity is mapped to the claimed "type of object" in Jones's reference.

69. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply

is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Primary Examiner, Art Unit 2452